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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,906

08/18/2006

Mark Beckmann

2004P01470

2370

24131 7590 12/21/2009
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EXAMINER

MAPA, MICHAEL Y

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

12/21/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,906	Applicant(s) BECKMANN ET AL.	
	Examiner Michael Mapa	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The applicant has amended the following:

Claims: 14-24 has not been amended.

Claims: 1-13 has been cancelled.

Response to Arguments

2. Applicant's arguments filed 09/03/09, with respect to the rejection(s) of claim(s) 14-24 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Wang et al. (US Patent Publication 2004/0203589 herein after referenced as Wang).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 14-18, 20 and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang et al. (US Patent Publication 2004/0203589 herein after referenced as Wang).

Regarding claim 14, Wang discloses:

The applicant claims "A method for controlling and evaluating message traffic of a communication unit" (Fig. 1 & Paragraph [0007] of Wang).

The applicant claims "which comprises the steps of: transmitting all messages of the message traffic via a first network unit within a mobile radio system" (Fig. 1 & Paragraph [0015] of Wang, wherein Wang discloses a message control system (MCS) receiving and processing messages).

The applicant claims "the first network unit deciding, with an aid of at least one item of useful information of the communication unit, whether one or more of the messages are to be forwarded to a second network unit for further processing, or are to be blocked" (Fig. 3 & Paragraphs [0026]-[0028] of Wang, wherein Wang discloses the MCS deciding if the message received should be passed on as a processed message or passed on as a rejected message depending on whether the authentication certificate (AC) of the message is with the white list or the black list and wherein the subscriber/list owner is able to add/modify/delete the identifiers within the lists).

The applicant claims "determining, via the first network unit with the aid of at least one item of the useful information of the communication unit, whether a particular message of the message traffic is to be logged in a logfile by the first network unit" (Fig. 3 & Paragraphs [0026] & [0032] of Wang, wherein Wang discloses sending the rejected

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message to a message receptacle postprocessing such as logging, pattern analysis, etc. therefore logging in a logfile).

The applicant claims "assigning a specific set of the useful information in each case to a user identity, with the specific set of the useful information being used to control and evaluate at least one message of the message traffic of the communication unit and allocating the user identity to an application of the communication unit" (Fig. 3 & Paragraphs [0026]-[0028] & [0032] of Wang, wherein Wang discloses having a whitelist and blacklist associated to a subscriber wherein the subscriber can add/delete/modify the subscriber lists and wherein the MCS uses the subscriber list to determine whether to process or reject the message).

Regarding claim 15, Wang discloses:

The applicant claims "The method according to claim 14, which further comprises calling up the at least one item of the useful information that determines the controlling and evaluation of the at least one message of the message traffic of the communication unit from a database" (Fig. 3 & Paragraphs [0026]-[0028] of Wang, wherein Wang discloses the MCS determining the processing/rejection based on the white/black list which are taken from a white/black list repository, therefore a database).

Regarding claim 16, Wang discloses:

The applicant claims "The method according to claim 14, which further comprises inserting at least one filter instruction into the at least one item of the useful information and selecting the filter instruction from the group consisting of:
one or more positive destination addresses that are addressable for the communication unit; one or more negative destination addresses that are not addressable for the

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communication unit; and one or more destination addresses that are to be logged by the first network unit" (Fig. 3 & Paragraphs [0026]-[0028] & [0032] of Wang).

Regarding claim 17, Wang discloses:

The applicant claims "The method according to claim 14, which further comprises identifying the messages of the traffic message to be logged with an acquisition identity" (Paragraph [0032] of Wang, wherein Wang discloses forwarding the message to a message receptacle for post processing such as logging and pattern analysis).

Regarding claim 18, Wang discloses:

The applicant claims "The method according to claim 14, which further comprises forwarding the logfile via the first network unit using a logging message to an evaluation unit for evaluation" (Paragraph [0032] of Wang, wherein Wang discloses forwarding the message to a message receptacle for post processing such as logging and pattern analysis).

Regarding claim 20, Wang discloses:

The applicant claims "The method according to claim 14, which further comprises: authorizing the communication unit to exchange messages; and using at least one key pair to provide a protected message traffic" (Paragraphs [0018]-[0022] of Wang, wherein Wang discloses using an authentication certificate (AC) that provide for secure and unique identification of the certificate holder and wherein the network generates and is issued to each subscriber of the network and for each application).

Regarding claim 22, Wang discloses:

The applicant claims "The method according to claim 14, which further comprises forming the first network unit as a group of network elements" (Fig. 1 & 2 of Wang).

Regarding claim 23, Wang discloses:

The applicant claims "A first network unit for controlling and evaluating message traffic of a communication unit within a mobile radio system" (Fig. 1 & Paragraphs [0007] & [0015] of Wang, wherein Wang discloses a message control system (MCS)).

The applicant claims "the first network unit comprising: a receiving unit for receiving all messages of the message traffic of the communication unit; a transmitting unit for transmitting the messages of the message traffic; and a processing unit for deciding whether at least one of the messages of the message traffic can, on a basis of at least one item of useful information of the communication unit, be forwarded to a second network unit for further processing or can be blocked" (Fig. 3 & Paragraphs [0026]-[0028] of Wang, wherein Wang discloses the MCS deciding if the message received should be passed on as a processed message or passed on as a rejected message depending on whether the authentication certificate (AC) of the message is with the white list or the black list and wherein the subscriber/list owner is able to add/modify/delete the identifiers within the lists).

The applicant claims "said processing unit further deciding whether at least one of the messages of the message traffic can, on a basis of at least one item of the useful information of the communication unit, be logged by the first network unit in a logfile" (Fig. 3 & Paragraphs [0026] & [0032] of Wang, wherein Wang discloses sending the rejected message to a message receptacle postprocessing such as logging, pattern analysis, etc. therefore logging in a logfile).

The applicant claims "with a specific set of the useful information being assigned to a user identity in each case, with the specific set of useful information being used to control and evaluate at least one of the messages of the message traffic of the communication unit, and with the user identity being allocated to an application of the communication unit" (Fig. 3 & Paragraphs [0026]-[0028] & [0032] of Wang, wherein Wang discloses having a whitelist and blacklist associated to a subscriber wherein the subscriber can add/delete/modify the subscriber lists and wherein the MCS uses the subscriber list to determine whether to process or reject the message).

Regarding claim 24, Wang discloses:

The applicant claims "A communication unit having message traffic being controlled and evaluated within a mobile system by a first network unit" (Fig. 1 & Paragraph [0007] of Wang).

The applicant claims "the communication unit comprising: a receiving unit for receiving all messages of the message traffic; and a transmitting unit for transmitting all of the messages of the message traffic to be transmitted" (Paragraph [0015] of Wang, wherein Wang discloses the terminal device sending and receiving messages).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (US Patent Publication 2004/0203589 herein after referenced as Wang) in view of Bandini et al. (US Patent Publication 2002/0199095 herein after referenced as Bandini).

Regarding claim 19, Wang discloses:

The applicant claims "The method according to claim 18, which further comprise evaluating the messages logged in the logfile via the evaluation unit using at least one criteria" (Paragraph [0032] of Wang, wherein Wang discloses pattern analysis).

Wang fails to explicitly recite "using at least one criteria selected from the group consisting of: useful data of the message; destination address of the message; number of accesses to the destination address; data quantity; the messages that were sent with a specific user identity; the messages that were sent with a specific acquisition identity; and correlation of messages with signaling information and/or the useful data."

In a related field of endeavor, Bandini discloses:

The applicant claims " using at least one criteria selected from the group consisting of: useful data of the message; destination address of the message; number of accesses to the destination address; data quantity; the messages that were sent with a specific user identity; the messages that were sent with a specific acquisition identity; and correlation of messages with signaling information and/or the useful data" (Paragraph [0026]-[0027] of Bandini).

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Wang to incorporate the teachings of Bandini for the purpose of

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improving the network by performing a more accurate pattern analysis and thereby presenting a more accurate and detailed information to the subscriber of the nature of the messages being sent to said subscriber.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (US Patent Publication 2004/0203589 herein after referenced as Wang) in view of Patil et al. (US Patent Publication 2004/0203432 herein after referenced as Patil).

Regarding claim 21, Wang discloses “The method according to claim 14.” Wang fails to explicitly recite “which further comprises using the method in an architecture in accordance with an IP multimedia subsystem with an aid of a session initiation protocol.”

In a related field of endeavor, Patil discloses:

The applicant claims "which further comprises using the method in an architecture in accordance with an IP multimedia subsystem with an aid of a session initiation protocol" (Paragraph [0003] of Patil).

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Wang to incorporate the teachings of Patil for the purpose of improving the system marketability and versatility by providing a system that is capable of conforming to known systems and protocols.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Mapa whose telephone number is (571)270-5540. The examiner can normally be reached on MONDAY TO THURSDAY 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571)272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Mapa/
Examiner, Art Unit 2617

/Dwayne D. Bost/
Supervisory Patent Examiner,
Art Unit 2617

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